

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RUBEN J. JAIME,

Plaintiff,

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

No. 1:21-cv-00307-DAD-HBK

ORDER ADOPTING THE PARTIES'
STIPULATION FOR THE AWARD OF
ATTORNEY'S FEES UNDER THE EQUAL
ACCESS TO JUSTICE ACT

(Doc. No. 28)

On March 2, 2021, plaintiff Ruben J. Jaime filed this action seeking review of a final decision of defendant Commissioner of Social Security. (Doc. No. 1.) On April 29, 2022, the matter was remanded to the Commissioner of Social Security for further proceedings pursuant to 42 U.S.C. § 405(g). (Doc. No. 25.) On July 21, 2022, the parties filed a stipulation with the court in which the parties agree that plaintiff shall be awarded attorney's fees under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d), in the amount of \$6,599.36. (Doc. No. 28.)

Good cause appearing, and pursuant to the parties' July 21, 2022 stipulation, the court orders as follows:

1. Pursuant to the EAJA, 28 U.S.C. § 2412(d), plaintiff is awarded attorney's fees in the amount of \$6,599.36;
2. After the issuance of this order, the government shall consider the assignment of the EAJA attorney's fees to plaintiff's counsel;

1 a. Pursuant to the decision in *Astrue v. Ratliff*, 560 U.S. 586 (2010), any such
2 assignment will depend on whether the attorney's fees are subject to any
3 offset allowed under the United States Department of Treasury's ("the
4 DOT") Offset Program;

5 b. Fees shall be made payable to plaintiff, but if the DOT determines that
6 plaintiff does not owe a federal debt, then the government shall cause the
7 payment of attorney's fees to be made directly to plaintiff's counsel,
8 Jonathan O. Peña;

9 3. Whether the payment of attorney's fees is made payable to plaintiff or to his
10 counsel, the check will be mailed to plaintiff's counsel's mailing address at:

11 Jonathan O. Peña
12 Peña & Bromberg, PLC
13 2440 Tulare St., Ste. 320
Fresno, CA 93721

14 IT IS SO ORDERED.

15 Dated: July 24, 2022

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18 UNITED STATES DISTRICT JUDGE
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